

**STATEMENT
JOEL HOLTROP
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
OCTOBER 29, 2009**

CONCERNING

**S. 607, TO AMEND THE NATIONAL FOREST SKI AREA PERMIT ACT OF
1986**

Chairman Wyden and Members of the Subcommittee, thank you for inviting the U.S. Department of Agriculture to appear before you today to present our views on S. 607, the “Ski Area Recreational Opportunity Enhancement Act of 2009.” The Administration supports this legislation with technical amendments. We would appreciate the opportunity to work with the Committee to refine the bill to provide the appropriate natural resource-based experience for visitors to the National Forests while ensuring the protection of the natural environment.

The bill would amend the National Forest Ski Area Permit Act of 1986 to authorize the Secretary to permit seasonal and year-round natural resource-based, outdoor-developed recreational activities and associated facilities at ski areas, in addition to those that support Nordic and alpine skiing and other snow sports that are currently authorized by the Act.

The Act authorizes issuance of permits for Nordic and alpine ski operations and appropriate ancillary facilities(16 U.S.C. 497b(b)(3)). Congress intended the term “appropriate ancillary facilities to include “only those facilities directly necessary for the operation and support of a winter sports facility...” (S. Rep. No. 99-449, 99th Cong., 2d Sess. 5 (1986)).

The additional seasonal and year-round recreational activities and associated facilities authorized by the bill would encourage outdoor recreation and have to harmonize with the natural environment. The bill would make clear that the primary purpose of the authorized use and occupancy would continue to be skiing and other snow sports.

Background and Need for Legislation

Current law does not authorize activities other than Nordic and alpine skiing, snow sports, and their ancillary facilities at ski areas. Ski areas serve as portals to national

forest recreation. There are 121 ski areas operating under permit on national forests. These ski areas occupy a fraction of 1 percent of the total National Forest System land base. Nevertheless, about one-fifth of all recreation on national forests occurs at these ski areas. For many Americans, ski areas are gateways to our national forests and a means to greater appreciation of the natural world. Further, these recreational opportunities provide a great avenue for visitors to reconnect to the land, a core tenant of Secretary Vilsack's vision for forests.

We have become concerned about trends showing a decline in appreciation and understanding of the natural environment among our youth. However, we still see strong visitation by youth and families at ski areas. The Forest Service has developed strong partnerships with many ski area operators that enhance visitors' understanding and appreciation of the environment through interpretive signing, programs, and exhibits. Expanding opportunities for year-round use will encourage more of the public to experience and appreciate the national forests. Ski areas introduce the national forests to our increasingly urban population.

Ski areas are some of the most developed sites on the national forests. Focusing more of the developed outdoor recreational activities in these areas could reduce negative impacts in other areas of the national forests. One example of a popular developed outdoor recreational activity is freestyle mountain biking. By focusing this activity at ski areas, ski area operators would be able to increase utilization of existing infrastructure, and the impacts on surrounding National Forest System lands caused by freestyle biking may be minimized.

Across the country we have received numerous proposals by ski areas to add off-season recreational activities. Some we have approved, perhaps without fully understanding the current limitations of the 1986 Ski Area Permit Act, while others we have denied, or not acted upon. We're aware that summer activities at a number of ski areas that operate summer facilities on non-National Forest Service land are very popular. Whistler-Blackcomb Ski Area in British Columbia has become a very popular destination for biking. In the Northeast, Bretton Woods Ski area offers an array of summer activities which reportedly "sell out" at times. We believe we'd see the most interest for summer uses at ski areas that are either located near large population centers or are near communities with large hotel capacities that tend to be underutilized in the summer.

Because of longer summers and higher temperatures due to climate change, it is possible that ski areas in some locations may see somewhat shorter winter operating seasons. Increasing the scope of activities and facilities that may be authorized under a ski area permit, where appropriate and in conformance with environmental law, could help ski areas remain economically viable by more fully utilizing their significant investment in infrastructure, such as ski lifts, in the off-season or year-round.

Recommended Changes to S.607

We would like to work with the committee to develop amendments in two areas:

- While we support allowing additional activities and infrastructure for year-round activities, activities should be appropriate to the natural resource setting and

should contrast with an urban environment. Excluding facilities such as amusement and water parks, golf courses, tennis courts, and skateboard parks is consistent with Forest Service policy.

- Ski area boundaries should continue to encompass only the acreage the Secretary deems sufficient and appropriate to accommodate the permit holder's needs for snow sports and appropriate ancillary facilities for winter operations. Permit boundaries should not be expanded to accommodate recreational activities and facilities that are not related to skiing and snow sports, which are the primary purpose of these resorts.

In addition, consistent with the discretion afforded the Secretary in the bill, we would develop directives that would establish criteria for implementing the expanded authority, based on case-specific review of proposals from ski areas in accordance with applicable regulations and environmental law. The criteria would likely include (1) availability and suitability of private lands as alternative sites for the activities; (2) the proposed location within the permitted area, including proximity to existing areas of concentrated development; (3) consistency with the applicable land management plan and applicable federal, state, and local law; (4) impacts on soil, water, wildlife, aesthetics, and other national forest resources; (5) effects on the primary purpose of the resort for alpine and Nordic skiing; (6) tribal interests; and (7) visitor safety.

If the bill is enacted, we would envision that more highly developed summer facilities would be focused in areas which already support extensive resort infrastructure, while lesser developed parts of ski areas would primarily be for hiking, mountain biking, and other activities that require more limited facilities.

The legislation does not provide a blanket approval for any particular summer facility or use. Proposals would be subject to the Agency's requirements for site-specific environmental review and public involvement. In those environmental reviews we would look very carefully at the sometimes sensitive nature of high elevation ecologic conditions before approving a proposal. While we might approve an activity or facility at one location at a given ski area, we might not at a different location at another ski area or even at a different location within the same ski area.

In summary, this legislation would concentrate highly developed recreation in those areas that are currently the most developed sites on the national forests and enhance the long term viability of these ski areas and the adjoining rural economies. For these reasons, the legislation is a positive step and one which the Administration supports, with the suggested clarifications.